

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
THIRD DIVISION**

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MICHAEL HUGH KELLY,           CASE FILE 09 CV 461 JRT/JSM

Plaintiff,

vs.

OFFICER LUCAS PETERSON, BADGE #5630,  
in his individual capacity as a Minneapolis Police Officer,

AND  
CITY OF MINNEAPOLIS,  
A government entity and political subdivision  
of the state of Minnesota,

Defendants.

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**PLAINTIFF'S MOTIONS IN LIMINE**

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Plaintiff Michael Hugh Kelly respectfully makes the following motions *in limine*:

1. To exclude evidence that the 4 September 2008 permit is “unlawful” at the moment Officer Peterson shoots Mr. Kelly. Grounds: Fed. R. Civ. P. 401 and 403 (prejudice outweighing probative value, where the only issue before the jury is the reasonableness of the force used by Officer Peterson on Mr. Kelly under the circumstances at that moment, Mr. Kelly’s conduct, whether other officers acted preemptively, whether Mr. Kelly acted defensively.
2. To exclude evidence of any misdemeanor prosecutions of Mr. Kelly, or felony prosecutions not relating to honesty. Grounds: Fed. R. Civ. P. 401, 403, 608, and 609

(prejudice outweighing probative value, where the only issue before the jury is the reasonableness of the force used by Officer Peterson on Mr. Kelly under the circumstances at that moment, Mr. Kelly's conduct, whether other officers acted preemptively, whether Mr. Kelly acted defensively.

23 MAY 2011

Respectfully submitted:

TED DOOLEY LAW OFFICE, LLC  
/s/Ted Dooley

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PETER J. NICKITAS LAW OFFICE, LLC

/s/ *Peter J. Nickitas*

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